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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,525	06/05/2000	Gerald Isaac Kestenbaum	RM003	7398
2352 7590 02/27/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
VIG, NARESH				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
02/27/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

NITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: GERALD ISAAC KESTENBAUM

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Application No. 09/587,525  
Technology Center: 3600

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Mailed: February 27, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 18, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER, ENGLISH TRANSLATIONS

The following certified English translations for Aihara et al. (JP 410229413) and Abe (JP 08097850) listed under the Evidence Relied Upon section of the Examiner's Answer filed on October 23, 2008, are missing from the IFW file. The BPAI do not accept Machine-Assisted Translations. Appropriate correction is required.

MPEP 1207.02 states in part:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

Also, the following reference listed under the Evidence Relied Upon section of the Examiner's Answer filed October 23, 2008, is missing from the IFW file.

"Information on Yahoo.com, 28 November 1996"

**Accordingly, it is**

**ORDERED** that the application is being electronically returned to the Examiner:

1) to have the certified English translations for JP 410229413 and JP 08097850, and the Information on Yahoo.com dated November 28, 1996, scanned into the record; and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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